

REMARKS

Status of the Claims

Claims 1-3, 5 and 12-15 are pending in this application.

Claims 4 and 6-11 have been deleted.

Claims 12-15 have been added.

Claims 1 and 3 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

Rejection of Claims 1-11 Under 35 U.S.C. § 103(a)

Applicants submits with this Preliminary Amendment, amendments to claims 1 and 3 and new claims 5-12. Applicant respectfully submits that the amended claims as well as the new claims are patentable over the prior art. In an effort to expedite prosecution of this case, the patentability of claims 1-3, 5 and 12-15 in view of the previously cited prior art is addressed below. The previously cited prior art was U.S. Patent No. 4,681,409 issued to Enomoto (hereafter Enomoto); U.S. Patent No. 5,375,014 issued to Fujie (hereafter Fujie); U.S. Patent No. 4,626,084 issued to Kumai (hereafter Kumai); U.S. Patent No. 5,583,703 issued to Lang (hereafter Lang). The previous final rejection relied on the above references in various combinations to formulate a rejection under 35 USC § 103(a). Applicant maintains that independent claim 1, the only current pending independent claim in the claim set, now includes the limitation "at least one telescopic arm extending between and connected said mirror housing and said attachment assembly, wherein said at least one arm pivotally connects to said attachment assembly."

A review of the referenced cited in the Office Action reveals that only the Fujie patent has an arm that pivots about an attachment assembly. However, the Fujie patent does not teach or suggest a telescopic arm, rather Fujie is directed to a mirror mounted on an arm that is pivotable with respect to a attachment point. See Fujie at Col. 1, Lines 61-65, Col. 2, Lines 5-10. Fujie does not teach or suggest a telescopic arm, nor does any of the other references teach or suggest this limitation.

The Enomoto patent does not teach or suggest a telescopic arm. Rather the specification of the Enomoto patent states “[t]he object of the present invention is to provide and [sic] outside rear view mirror which can be remotely operated in the car room to swing the mirror housing relative to the base and displace it toward the body of the car.” See Enomoto Col. 1, Lines 60-63. The Figures of the Enomoto patent do not show any type of arm, much less a telescopic arm.

The Kumai patent does not teach or suggest a telescopic arm pivotable with respect to an attachment assembly. Similar to Enomoto, the Kumai patent is also directed to a mirror head 5 that pivots with respect to a base 1.

The Lang patent also does not teach or suggest a telescopic arm that pivots with respect to the attachment assembly. The Lang patent is directed to the components inside the mirror head itself stating that “[i]t is the object of the invention to further develop a rear view mirror of the generic type such that servomotors are particularly easy to mount or to retrofit and the rear view mirror is convenient to repair. See Lang at Col. 1, Lines 45-49. Thus there is nothing in the Lang patent that teaches or suggests a telescopic arm extending between the mirror housing and the attachment assembly. For the above reasons, claim 1 as currently amended is now in allowable form, therefore Applicant respectfully requests allowance of claim 1 and all claims dependent therefrom.

Applicant further notes that claim 1 has also been amended to include the limitation of the electrical power folding mechanism being contained within the attachment assembly and having "a power driven worm gear engaged to a shaft fixed for rotation with said worm gear, a pinion located at an end of said shaft, said pinion is in meshed engagement with a drive gear that is coupled for rotation with said at least one telescopic arm.." See Claim 1 of the present application. Applicant notes that the prior art patents cited in the previous Final Office Action do not include this limitation. The Fujie, Enomoto and Kumai patents do not show an electrically powered folding mechanism contained in the attachment assembly. Furthermore the electrically powered folding mechanisms described in Fujie, Enomoto and Kumai do not teach or suggest a worm gear engaged to a shaft fixed for rotation, a pinion located at an end of the shaft or a pinion being in meshed engagement with a drive gear. These limitations are not taught or suggested by the Lang patent which is directed to a motor mechanism within the mirror housing for controlling the mirror position and not necessarily for pivoting a telescopic arm attached to the mirror head. Therefore, for the above reasons Applicant also believes that claim 1 and all claims dependent therefrom are further patentable in view of the prior art for the above reasons.

CONCLUSION

It is respectfully submitted that in view of the above amendments and remarks that claims 1-3, 5 and 12-15 as presented, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render

obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicants undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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